

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 7-11, 13-28 are pending in this application. Claims 17-19 are independent. Claims 17-19, and 21 are amended, and claims 24-28 are added.

Reconsideration of this application, as amended, is respectfully requested.

Claim for Priority

The Examiner is requested to acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119 and receipt of the certified copy of the priority document filed with the application on September 8, 2000.

Drawings

Applicants have not received a Notice of Draftsperson's Patent Drawing Review, Form PTO-948, indicating whether the formal drawings have been approved by the Official Draftsperson. It is respectfully submitted that the drawings comply with the requirements of the USPTO. Clarification with the next official communication is respectfully requested.

Information Disclosure Statement

The Examiner is hereby advised that an Information Disclosure Statement was filed on September 16, 2003.

Rejections under 35 U.S.C. §103(a)

Claims 7, 8-11, 13-16, and 17-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,008,408 to Kodama, in view of U. S. Patent 6,345,102 to Davis et al. and U.S. Patent No. 6,396,197 to Szilagyi et al. This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's amendment, independent claims 17, 18, and 19 are amended herein to recite combinations of elements not disclosed or suggested by the references cited by the Examiner.

Amendments to Claims 17 and 18

In particular, independent claim 17 is amended herein to recite a combination of elements directed to a piezoelectric speaker, including a laminating film attached to edges of said back side of said frame and covering an entire surface of said piezoelectric film for protecting a back surface and edges of said piezoelectric film.

Full support for the novel features claimed in claim 17 is illustrated in FIGS. 5 and 6, which clearly show a laminating film attached to edges of said back side of said frame and covering an entire surface of said piezoelectric film for protecting a back surface and edges of said piezoelectric film.

In addition, independent claim 18 is amended herein to recite a combination of elements directed to a piezoelectric speaker, including a laminating film attached to said back side of said frame and covering said piezoelectric film, outer edges of the laminating film

extending beyond outer edges of the piezoelectric film in order to protect the piezoelectric film.

Full support for the novel features set forth in claims 17 and 18 can be found in the specification, for example on page 5 lines 7-11. See also FIGS. 4 and 5 which clearly show a laminating film attached to edges of said back side of said frame and covering an entire surface of said piezoelectric film for protecting a back surface and edges of said piezoelectric film (as set forth in claim 17), and outer edges of the laminating film extending beyond outer edges of the piezoelectric film in order to protect the piezoelectric film (as set forth in claim 18).

Regarding claims 17 and 18, the Examiner concedes that both of Kodama and Davis et al. fail to teach a laminating film covering the piezoelectric film, but in a discussion of Davis et al. the Examiner goes on to state that it would be obvious to entirely cover the back of frame 26 with fixing material 32 to hold the speaker to the sun visor 10. See Davis et al. FIG. 2.

The Applicants respectfully disagree. In the presently claimed invention, the laminated film is a member to protect a back surface and edges of the piezoelectric film, whereas the fasteners are different members stuck to a portion of the laminated film for the purpose of fastening the speaker to a helmet.

In contrast to the present invention Davis et al. fail to teach or suggest two separate members (laminating film and fasteners), which are configured differently, as set forth in

claims 17 and 18. The Examiner states that the fixing material 32 makes obvious both the laminating film and the fasteners, which are separately claimed in the present application.

Moreover, whereas in the present invention, the laminated film of the present invention extends beyond outer edges of the piezoelectric film and thus protects the edges of the piezoelectric film, the fixing material 32 of Davis et al. neither extends beyond edges of the piezoelectric elements 25, 28, nor protects these edges. In fact, in the Davis et al. device, the fixing material 32 is completely separate from the piezoelectric elements 25, 28, and thus cannot have edges that extend beyond edges of the piezoelectric elements 25, 28.

In addition, the Applicants also respectfully submit that Szilagyi et al. fail to make up for the deficiencies of Davis et al.

In view of the above amendments and remarks, the Applicants respectfully submit the Examiner has failed to make a *prima facie* case of obviousness in the rejection of independent claims 17 and 18.

Thus, it is respectfully submitted that the combinations of elements set forth in the independent claims 17 and 18 as amended herein are not disclosed or made obvious by the prior art of record, including Kodama, Davis et al., and Szilagyi et al.

In view of the foregoing, it is respectfully submitted that independent claims 17 and 18 are in condition for allowance.

Applicants respectfully request withdrawal of the rejection of claims 17 and 18 as being unpatentable over the combination of Kodama, Davis et al., and Szilagyi et al.

Amendments to Claim 19

Independent claim 19 is amended herein to recite a combination of elements directed to a speaker system, including a piezoelectric film speaker supported by a pair of frame pieces which clamp together to hold the piezoelectric speaker, the frame pieces each having a center opening.

Full support for the novel features claimed in claim 19 can be found in the specification, for example on page 6, lines 6-11, and page 8, lines 4-8. See also FIGS. 7, 8, 10, and 11 which clearly show the piezoelectric film speaker supported by a pair of frame pieces which clamp together to hold the piezoelectric speaker, the frame pieces each having a center opening.

A careful review of the references cited by the Examiner indicates that none of these documents discloses or makes obvious a piezoelectric film speaker supported by a pair of frame pieces which clamp together to hold the piezoelectric speaker, the frame pieces each having a center opening, as set forth in independent claim 19 of the present invention.

In view of the foregoing, it is respectfully submitted that independent claim 19 is in condition for allowance.

Applicants respectfully request withdrawal of the rejection of claim 19 as being unpatentable over the combination of Kodama, Davis et al., and Szilagyi et al.

Added Claims 24-28

Dependent claims 24-28 are added herein to set forth additional novel features not taught or suggested by the references cited by the Examiner.

All claims of the present application are in condition for allowance. Since the dependent claims depend directly or indirectly from allowable independent claims 17-19, they are also allowable for at least the reasons set forth above, as well as for the additional limitations provided by these claims.

Thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider the outstanding objection and rejection and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

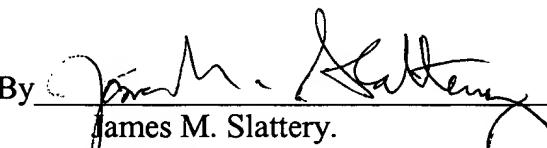
However, if there are any outstanding issues, the Examiner is invited to telephone Carl T. Thomsen, Reg. No. 50,786, at 703-205-8000 in an effort to expedite prosecution.

Application No. 09/657,803
Amendment dated November 24, 2003
Response to Office Action dated August 25, 2003

Attorney Docket No. 0505-0673P
Art Unit 2643
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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